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Letter dated 10 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached sixth report from the Czech Republic submitted pursuant to paragraph 6 of resolution 1373 (2001) as well as the response of the Czech Republic to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Loj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-43078 (E) 160806

Annex

Letter dated 4 July 2006 from the Permanent Representative of the Czech Republic to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In response to your letter dated 22 December 2005, I would like to submit the following reports of the Czech Republic: Additional information concerning the implementation of Security Council resolution 1373 (2001) provided by the Czech Republic at the request of the Counter-Terrorism Committee, and Report of the Czech Republic on the Implementation of Security Council resolution 1624 (2005) provided at the request of the Counter-Terrorism Committee (see enclosure).

The Czech Republic welcomes the current efforts being taken by the Committee to maintain and enhance a constructive dialogue with Member States and reiterates its readiness to continue to further cooperate with the Committee.

On behalf of the Czech Republic, I would like to thank the Committee for all its efforts in the fight against international terrorism.

(*Signed*) Martin **Palouš**
Ambassador
Permanent Representative

06-43078

Enclosure

Additional information concerning the implementation of Security Council resolution 1373 (2001) provided by the Czech Republic at the request of the Counter-Terrorism Committee

1. Implementation measures

1.1 The Czech Republic continues to consider ways to establish the criminal liability of legal entities. Since the notion is brand new in the domestic legal context, it is necessary to seek the most effective strategy for incorporating it in the national legislation, including its reflection in related laws. In the meantime, assets derived from crime can be recovered by means of a court order seizing items or assets under Section 73 of Act No. 140/1961, the Criminal Code ("Criminal Code"). The rules governing this "protective order" (i.e. an order designed to protect the society and prevent reoffending) have recently been reinforced by adding a new clause (Section 73, paragraph 1 (d)), effective since 1 July 2006, which permits the seizing of assets acquired by means of a crime or as a reward for a crime and do not belong to the offender, or the seizing of items that have been acquired by parties other than the offender in exchange for assets derived from crime.

Another way to recover assets that could be used to commit terrorist attacks is to order their seizure with reference to Section 73, paragraph 1 (c) of the Criminal Code, which permits the seizing of dangerous items or items that can be used to commit especially serious crimes, regardless of their ownership.

1.2. Rules on the freezing of terrorist assets are already incorporated in the domestic legislation. The Code of Criminal Procedure (Act No. 141/1961) permits assets to be freezed already in the pre-trial stage for the purposes of criminal proceedings, i.a. to secure the enforcement of criminal sanctions and protective orders. The freezing may be followed by confiscation (forfeiture of property, assets or items, fines, protective orders to seize assets or items).

1.3. The applicable legislation (Act No. 61/1996 as amended, Section 10, paragraph 8) authorizes the Financial Analytical Unit to exchange information with its foreign counterparts – financial intelligence units. The international legal framework for this exchange consists mainly of the 1990 Strasbourg Convention and bilateral intergovernmental agreements covering i.a. cooperation in the fight against money laundering and terrorist financing. The Warsaw Convention added to the system in 2005 has yet to enter into force. The Financial Analytical Unit may exchange information with foreign partners on the basis of international agreements, as well as on the basis of reciprocity.

Reciprocal exchange of information was enabled in 2004 by an amendment to Act No. 61/1996 regulating certain measures against legalization of the proceeds of crime and amending related acts.

Statistics on international exchange of information have been kept since 1998:

Requests	1998	1999	2000	2001	2002	2003	2004	2005
Sent abroad	96	62	105	126	104	175	101	69
Received from abroad	6	20	35	52	75	128	116	130

The Financial Analytical Unit may require information from financial institutions and other parties who are subject to the reporting duty, law enforcement authorities, customs authorities, tax administrators, intelligence services, supervisory authorities and other government authorities, for the purposes of its own inquiries as well as at the request of its foreign counterparts.

Information on specific cases of data exchange cannot be disclosed due to confidentiality rules. Generally, the predicative crimes are mostly financial fraud and tax crime. So far, none of the domestic inquiries or requests from abroad has concerned a charitable organization suspected of money laundering or terrorist financing.

1.4. Czech legislation covering this issue includes i.a. Act No. 61/1996 containing a list of parties who are required to monitor and report any suspicious activities resulting in an improper economic advantage. The list is by no means limited to financial institutions and includes the following:

(a) Banks, mutual savings banks and credit unions, the Czech Consolidation Agency, holders of postal service licences, legal entities and natural persons licensed to perform or to broker cash or cashless money transfers, to provide or to deal in leasing, credit or loan services, or to issue cashless payment instruments;

(b) The Czech National Bank, in keeping accounts and providing other banking services;

(c) The Securities Centre, the central depositary, entities keeping registers connected to the central securities register kept by the central depositary, entities keeping separate registers of investment instruments, entities keeping registers connected to the separate registers of investment instruments, securities market organizers, non-bank entities licensed to provide investment services, investment companies, pension funds and commodity exchanges;

(d) Insurance companies, insurance brokers and independent insurance liquidators in the course of activities related to life insurance;

(e) Postal services licence holders;

(f) Legal entities or natural persons licensed to trade in foreign currency on their own account or on a client's account;

(g) Holders of licences for casino gambling games, fixed-odds gambling or numerical lotteries;

(h) Legal entities or natural persons licensed to trade in real estate or to broker real estate transactions;

(i) Legal entities or natural persons licensed to buy out and deal in debts and receivables;

(j) Legal entities or natural persons licensed to broker savings schemes, leasing, credits or loans;

(k) Accountants, if they perform such activity as entrepreneurs, auditors or tax advisors;

(l) Judicial executors, in performing additional functions of a judicial executor in terms of special legislation;

(m) Legal counsels, notaries or other natural persons or legal entities, if they are entrepreneurs, when safe keeping money, securities or other property for their clients, and/or if the services required by the

client involve or are to involve acts performed by them on the client's behalf or on the client's account in

1. arranging for the purchase or sale of real estate or of an enterprise and/or a part thereof,

2. administering money, securities, shares or other property for their clients, including acts performed on the client's behalf or on the client's account in connection with the opening of an account with a bank or any other financial institution and/or the opening of a securities account, and with the administration of such account,

3. acquiring and collecting funds or other assets of monetary value in order to establish, manage or control a business company, business grouping or a similar arrangement, whether or not it constitutes a legal entity, or

4. money collection, payments, money transfers, deposits or withdrawals, whether cash or cashless, and/or any other actions leading to or directly causing money movements,

(m) Legal entities or natural persons licensed to trade in second-hand goods, in cultural heritage or in goods of cultural value or to broker such transactions or to accept goods as collateral for credit,

(o) Legal entities or natural persons not listed under (a)-(k) above, if they are entrepreneurs, when receiving cash payments amounting to more than EUR 15,000 in the context of a single transaction or auction.

The above persons and entities routinely report suspicious transactions to the Financial Analytical Unit in accordance with the legislation cited above. Alternative money transfer systems are subject to the same monitoring mechanism as financial institutions.

1.5.

(A) International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999

The Convention was ratified by the Czech Republic on 27 December 2005 and entered into force in respect of the Czech Republic on 26 January 2006. The Czech Republic is a party to all international instruments listed in the Annex of the Convention.

For information on compliance with the obligations arising from the Convention in respect of criminalization of the financing of terrorist attacks, see the Czech Republic's fifth report to the CTC, submitted under paragraph 6 of resolution 1373(2001) (doc. S/2005/61, relevant parts of 1.3) and the previous report. A set of rules designed to ensure consistent compliance with the Convention has been introduced by Act No. 284/2004 which amends i.a. Act No. 61/1996 regulating certain measures against the legalization of proceeds of crime. This amendment requires financial institutions to report any transactions carried out under circumstances that give rise to suspicion that the funds may be intended to finance terrorism, terrorist acts or terrorist organizations (for details see comments on item 1.1. in the Czech Republic's fifth report to the CTC submitted under paragraph 6 of resolution 1373(2001)- doc. S/2005/61 – and Annex 1 of the present report).

The following measures are available in Czech legislation to ensure compliance with the obligations concerning the liability of legal entities under Article 5 of the Convention:

- "Protective order" seizing items or assets (Section 73, paragraph 1 (c) and (d) of the Criminal Code): this order enables i.a. the seizing or recovery of assets belonging to parties other than the offender (including e.g. the property of legal entities) that have been acquired by means of a crime or intended to be used in committing especially serious crimes (note: this rule enables the seizing of a legal entity's assets, but does not make the legal entity criminally liable – for details see part 1.1. of the present report).
- Court order dissolving a company according to the Business Code (Section 68a of Act No. 513/1991, Business Code, as amended): this order starts the winding-up process;
- Cancelling or suspending the business licence of a legal entity licensed under Act No. 455/1991, the Business Licensing Act, as amended (Section 58, paragraphs 2 and 3): these steps are taken if the legal entity seriously violates the terms and conditions of its licence, the Business Licensing Act or special legislation;
- Cancelling the registration of a church or religious society or a union of churches or religious societies, if the church or religious society or union engages in unlawful activities (Section 22, paragraph 1 (c) of Act No. 3/2002 concerning churches and religious societies);
- Court order terminating a foundation or an endowment fund (Section 7, paragraph 5 (a) of Act No. 227/1997 concerning foundations and endowment funds as amended): at the request of the founder, executor or a party who proves his/her legal interest, the court may terminate a foundation or endowment fund that has seriously or repeatedly violated the applicable legislation, the charter or constitution of the foundation or endowment fund;
- The filing of claims related to the protection of personal rights (life and health) of natural persons and to general liability for damage under the applicable general rules of Act No. 40/1964, the Civil Code, as amended (Sections 11-17 and Section 415 et seq. of the Civil Code).

The competent Czech authorities continue to work on a comprehensive legislation establishing the liability of legal entities in accordance with the Czech Republic's obligations arising from international treaties, including Article 5 of the Convention (see part 1.1. of the present report).

B. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the United Nations General Assembly on 13 April 2005

The Convention was signed by the Czech Republic on 15 September 2005. The proposal for its ratification has been approved by the Czech Parliament and is to be presented for approval to the President of the Czech Republic in the nearest future.

The basic obligations contained in Article 2 of the Convention are implemented in the Czech Republic's legislation by the following sections of the Criminal Code: Section 95 (in particular paragraph 1 (c), (f) and (g)) – terrorist attack (for text, see the Czech Republic's fifth report, doc. S/2005/61, part 1.1.), Section 186 – unauthorized production and possession of radioactive materials

and highly dangerous substances (for text, see the Czech Republic's fifth report, doc. S/2005/61, part 1.3.), Section 179 – public endangerment (for text, see the Czech Republic's fifth report, doc. S/2005/61, part 1.3.), Section 181a – endangering and damaging the environment, Section 219 – murder, Section 222 – bodily harm, Section 235 – extortion, in conjunction with Section 7 – preparing a crime, Section 8 – attempted crime, Section 9 – complicity, and Section 10 – organizing, aiding and abetting a crime.

Report of the Czech Republic on the Implementation of Security Council resolution 1624 (2005) provided at the request of the CTC

Paragraph 1

Ad 2.1.

On 22 October 2004, Act No. 537/2004 took effect by which a new crime of terrorist attack is introduced in Section 95 of the Criminal Code (see Annex 1). Its description covers a broad range of actions that can be considered terrorist. Section 164 of the Criminal Code regulates in general terms the incitement to such crime.

This legislation, effective from 22 October 2004, aims to make more efficient the fight against international organized crime in its worst, terrorist form, led by law protection authorities in the field of international law-enforcement cooperation in terms of Framework Decision of the Council of the European Union No. 2002/475/JHA on combating terrorism.

The development of human civilisation brings about technological progress but also a risk that new technologies may be abused by isolated groups of people (or even transnational organisations and whole states) and turned against the civilization itself. These circumstances lead to the demand for stricter repression and more exact definition of the crime that embraces actions leading to destabilisation of fundamental democratic values of the society, guaranteed by the authority of state, posing a real threat to basic values of human life and attacking the very role of state as a representative of the society based on democratic principles. For these reasons, a new definition of terrorist attack was formulated that abandons a narrow objective of protecting solely the state authorities and the establishment and is aimed at protecting general democratic principles against anyone who may attack them. International organisations but also foreign states will enjoy the same protection as national authorities. The new definition of crime is designed to protect, in the broadest sense, the above-mentioned principles against any form of actions having a terrorist character. Such actions are enumerated in the act and their list is in accordance with the Council Framework Decision on combating terrorism.

The newly formulated, separate definition of crime under paragraph 2 penalizes also persons who threaten to commit any of the actions listed in paragraph 1 (a) to (g) or who deliberately support such actions, financially, materially or otherwise. It is in fact another form of complicity, analogical to aiding and abetting, in particular by providing means for the accomplishment of a crime. However, this activity is very specific and may take on many forms. Sufficient financial support of terrorist activities is a fundamental prerequisite for operation of the criminal structures. It is therefore fully relevant to underline the abjectness of such conduct by formulating a separate definition of crime, clearly declaring that financial support of terrorism deserves a penalty just as strict as terrorism itself.

The third paragraph permits to impose heavier sanctions for actions referred to in paragraph 1, if any of the listed conditions for imposition of higher sanctions is fulfilled.

The fourth paragraph guarantees the same protection to a foreign state.

As regards punishability of incitement to terrorism, it should be pointed out that actions leading to accomplishment of such crime are also punishable, which applies not only to attempted actions but also to mere preparations for a terrorist attack (Section 7 of the Criminal Code).

The Criminal Code also provides for criminal liability of persons abetting, organising and aiding an accomplished or attempted crime (the act uses the term "accomplice") by stating explicitly that the same provisions apply equally to the punishability and criminal liability of accomplices and principal offenders.

The Criminal Code defines an abettor as a person who deliberately encourages a person to commit (or to attempt) a crime.

Organizer is a person who plans a crime or who directs it.

Accessory is defined as a person who assists others in committing a crime, in particular by providing means, removing obstacles, counselling, strengthening the perpetrator's intention or promising to assist after the act.

The Criminal Code also generally recognizes incitement to crime as one of the forms of complicity. Other forms include connivance, failure to prevent a crime and failure to report a crime. All these provisions refer explicitly to the crime of terrorist attack in terms of Section 95 of the Criminal Code.

The Criminal Code also contains an important provision penalizing criminal conspiracy, including participation, by a higher sanction (up to 15 years of imprisonment), if it is a criminal conspiracy aiming or seeking to commit a terrorist attack.

Ad 2.2

Entry and stay of persons in the territory of the Czech Republic is governed by Act No. 326/1999 concerning residence of aliens in the territory of the Czech Republic and amending some other acts. The Act enables foreign nationals to enter and stay in the Czech Republic's territory if they meet the conditions set out in the act. If, during the border check of persons crossing the Czech Republic's border, there are grounds to believe that a foreigner could pose a threat to national security, to seriously disrupt public order or obstruct execution of judicial or administrative decisions (including suspected incitement to commit a terrorist attack), he/she can be refused entry in the Czech Republic's territory under Section 9 paragraph 1 (k) (this provision does not apply to EU citizens).

If the foreigner is a person for whom an arrest warrant has been issued, the case falls within the competence of the Czech Republic Police.

A foreigner may also apply for a permit to stay in the Czech Republic's territory as an asylum-seeker (enjoying international protection). In such case, the Asylum Act (Act No. 325/1999) is

applied. Its Sections 15 and 16 specify the grounds for denial of asylum. Asylum shall not be granted if there is a well-founded suspicion that a foreigner who submitted an asylum application:

a) has committed a crime against peace, a war crime or a crime against humanity in terms of international instruments that contain provisions on such crimes,

b) has committed a serious non-political crime outside the Czech Republic's territory prior to the submission of the asylum application, or

c) is guilty of acts contrary to the principles and objectives of the United Nations Organisation.

Punishment by expulsion and the conditions for such punishment are regulated mainly by Section 57 of the Criminal Code (Act No. 140/1961). Such punishment may be imposed separately or as an additional sentence. Court may impose it on any offender fulfilling the conditions set out by law, regardless of whether the Criminal Code explicitly mentions it in its particular section, if it is necessary for the security of people or property or for the protection of another public interest.

The current legislation already ensures that possible terrorist acts in the Czech Republic may be sanctioned on the basis of the existing crime definitions and with reference to particular circumstances. The existing crime definitions include acts of terror (Section 93 – wilful killing or attempted wilful killing with the aim of undermining the constitutional system of the Czech Republic and Section 93a – taking hostages with the aim of compelling others to comply with requirements undermining the constitutional system of the Czech Republic), sabotage (Sections 95 and 96 of the Criminal Code), public endangerment (Section 179), endangering safety of an aircraft and a civil vessel (Section 180), murder (Section 219), hostage taking (Section 234a) and other acts.

Legal classification of an act will depend on the specificity and circumstances of each particular case; special attention is paid to the intentions of the offenders, not only principal ones but also those who provided or gathered means, including financial means, with the knowledge that they would be used to commit a terrorist act. Such conduct may be classified as an act of complicity in the form of organizing, aiding and abetting the above-mentioned crimes (Section 10) or as an act of preparing such crimes (Section 7), if it is not deemed to constitute complicity (e.g. where there is a closer connection with the acts of the principal offenders) (Section 9).

An attempted crime, complicity in a crime in the form of organizing, aiding and abetting and preparations for a crime in terms of Section 41 paragraph 2 of the Criminal Code are generally punishable, which applies to all crimes defined in the Criminal Code.

It should be noted that accomplices and principal offenders face the same sanctions; and that attempted crimes and preparations for a crime are punished by the same sentence as an accomplished crime.

Membership of an organized group (Section 34g) may be considered an aggravating circumstance for all the above-mentioned crimes, as well as for preparation, attempt or complicity in such crimes.

If there is a provable link between a financial resource and terrorist structures, a relevant provision of the Criminal Code that penalizes actions of members of criminal conspiracy (Section 89 paragraph 17 of the Criminal Code) may be applied. If the conditions specified in Sections 43 and 44 are fulfilled, such act may be classified as a crime committed for the benefit of criminal conspiracy. It may also be regarded as a separate crime of participation in criminal conspiracy under Section 163a of the Criminal Code.

An amendment to Act No. 134/2002, effective from 1 July 2002, introduced in Section 252a a separate definition of the crime of legalizing proceeds of crime, directly applicable to the so-called money-laundering which, in some specific cases, may be closely linked to organized crime and terrorism.

It should also be added that, within the Czech legislative framework, an act of collecting funds for the purpose of *ex post* remunerating or supporting perpetrators of terrorist attacks will be classified at least as an act of approving a crime in terms of Section 165 paragraph 2 of the Criminal Code, if no direct link between such act and terrorist activities can be proved. If there were such link, one of the above-mentioned sanctions, i.e. for complicity, assistance or preparation would be applied.

Paragraph 2

Ad 2.3

In order to strengthen the security of its borders, the Czech Republic cooperates with other states, namely within the international treaties on the police cooperation[1]. The treaties focus in particular on the fight against crime, protection of public order and security in border regions.

In particular, the treaty with the Slovak Republic addresses cooperation in the field of combating international organized crime, terrorism and its financing and corruption. The treaty provides for the exchange of information on the planned terrorist acts directed against the interests of the contracting parties and on terrorist groups whose members plan, commit or have committed crimes in the territories of the two contracting parties.

The above-mentioned treaties concern for example the exchange of information on crimes committed in border areas, on their perpetrators and accessories, on suspected perpetrators and accessories and on circumstances of such crimes and steps taken in their respect. Parties also share experience and information on new forms of crime in the border areas.

Within a special form of cross-border cooperation, police authorities of one party may request the other party's assistance in e.g. identifying holders, owners and drivers of road vehicles, vessels and aircraft, providing information on driving licences and vehicle documentation, verifying legitimacy of residence of foreigners, type of their residence permit, authorization to stay and place of

[1] e.g. Treaty between the Czech Republic and the Federal Republic of Germany on cooperation between police authorities and border protection authorities in borderland areas of 19 September 2000,
Treaty between the Czech Republic and the Slovak Republic on cooperation in combating crime, in protecting public order and in protecting national borders of 27 January 2004,
Treaty between the Czech Republic and the Republic of Austria on police cooperation and on the second amendment to the European Convention on Mutual assistance in Criminal Matters of 20 April 1959 of 14 July 2005.

residence, providing information on provenience of assets (firearms, road vehicles, vessels and aircraft) or identifying owners of all sorts of telecommunication means.

Joint action by police authorities of the two parties is *inter alia* focused on fighting against illegal crossing of state borders and people smuggling activities, often associated with trafficking in human beings.

Paragraph 3

Ad 2.4 and 2.5

Year 2005 has confirmed that the situation in the Czech Republic does not differ substantially from the situation in other EU countries. Among the new EU Member States, the Czech Republic ranges among those who have formulated their anti-extremist policy based on a number of permanent and long-term measures focused on preventive programmes as well as repression. Nevertheless, some areas that would deserve and will continue to require increased attention were also identified in 2005. These areas include in particular organisation of right-wing extremist concerts in the Czech Republic and abuse of the Internet to spread hateful ideas.

In addition to the systematic work of police and intelligence services, extremism and xenophobia are fought mainly through preventive activities of the Education Ministry, the Culture Ministry and the Labour Ministry and of the Probation and Mediation Service. Activities of the non-governmental and private sector and general awareness-raising activities were also very important. Broadly publicised statements of some politicians, condemning specific cases of extremism and promoting cooperation between minorities and the majority population have also played a significant role.

International aspects of the issue were also continuously reflected. The *Annual Report of the European Union on Human Rights (for the period from 1 July 2004 to 30 June 2005)* has confirmed an unchanged trend in the position of the EU, ranging the fight against racism, anti-Semitism and xenophobia among the fields of special interest. This position was reflected not only in the adoption of a preliminary text of the *EU Strategy for Combating Radicalisation and Recruitment to Terrorism*, aimed at prevention and proposing to open a dialogue with Muslim communities, but also in the materials and recommendations of the *European Monitoring Centre on Racism and Xenophobia* (EUMC) concerning the manifestations of anti-Semitism, Holocaust denial and also Islamophobia.

On 19 April 2006, the Government of the Czech Republic approved, by its Resolution No. 438 of 19 April 2006, the *Report on the situation in the field of public order and internal security in the territory of the Czech Republic in 2005*. Annex 2 of this document describes the extremist activities in the Czech Republic.

Registered and non-registered extremist entities active in the Czech Republic are monitored on an ongoing basis. Manifestations of anti-Semitism, including Holocaust denial, and of Islamophobia are closely followed. Data on crimes with extremist motivation, including racism and xenophobia are also collected and evaluated.

At the beginning of 2006, the dialogue was opened with the Muslim community in the Czech Republic, which is not very large for the moment. In 2005, no preventive activities were organized (round tables, seminars, including with foreign participation).

A coordinator in this field is the *Interministerial Commission for Combating Extremism, Racism and Xenophobia*, an advisory body of the Ministry of the Interior and an expert advisor of the Czech Republic's Liaison Officer for the *European Monitoring Centre on Racism and Xenophobia* (EUMC). At the international level, there is the *Working Group for Combating Extremism of V4 Countries and Austria* (coordinated by the Czech Republic's Interior Ministry).

The Ministry of the Interior currently drafts its *Position on interpretation of definitions of crimes committed by extremists and problems with furnishing evidence for these crimes*.

No terrorist crimes with an extremist context were committed in the Czech Republic.

Paragraph 4

Ad 2.6

The Czech Republic is a party to all major international treaties in the field of international human rights law, refugee law and international humanitarian law, in particular:

- International Covenant on Civil and Political Rights, including both Optional Protocols,
- International Covenant on Economic, Social and Cultural Rights,
- International Convention on the Elimination of All Forms of Racial Discrimination,
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol is currently in the process of ratification,
- Convention on the Elimination of All Forms of Discrimination against Women, including the Optional Protocol,
- Convention on the Rights of the Child, including the Optional Protocol on the involvement of children in armed conflicts,
- Convention relating to the Status of Refugees, including the Optional Protocol,
- Geneva Conventions of 12 August 1949 and
- both Protocols Additional to the Geneva Conventions of 12 August 1949.

Commitments arising from these treaties are enshrined in the internal legislation, in particular in the Charter of Fundamental Rights and Freedoms, which is an integral part of the constitutional order of the Czech Republic. According to Article 10 of the Constitution, the promulgated international treaties, the ratification of which was approved by the Parliament and which are binding on the Czech Republic, are an integral part of its legal order; where the provisions of an international treaty differ from those of a national law, the international treaty is applied.

According to Article 1 paragraph 2 of the Constitution, the Czech Republic fulfils the obligati arising from international law. In implementing measures under the Security Council resolution 1 (2005), the Czech Republic's authorities are bound to fulfil the obligations arising not only fr international treaties but also from the international customary law.

Annex 1:

Act No. 537/2004 introduced in the Criminal Code a new crime – terrorist attack:

Section 95

Terrorist attack

(1) A person who, with the intention to undermine the constitutional order or defence capability of the Czech Republic, to damage or destroy the fundamental political, economic or social structure of the Czech Republic or of an international organization, to seriously intimidate the population or to unlawfully compel the government or any other authority or an international organization to do, to omit doing or to tolerate anything,

a) commits an attack endangering human lives or health with the aim to cause death or serious bodily harm,

b) takes hostages or kidnaps a person or persons,

c) destroys or causes extensive damage to public installations, transport or telecommunication systems, including information systems, fixed platforms on the continental shelf, power supply installations, water supply installations, medical or any other important facilities, public places or property with the aim to endanger human lives, the safety of an installation, system or place, or to expose property to the risk of extensive damage,

d) disrupts or stops the supply of water, electric power or any other vital natural resource with the aim to endanger human lives or to expose property to the risk of extensive damage,

e) seizes or exercises control over an aircraft, vessel or any other means of passenger or freight transport, or destroys or seriously damages navigation equipment or substantially interferes with its operation, or communicates false information, thereby endangering human lives or health, the safety of such means of transport, and/or exposing property to the risk of extensive damage,

f) without permission, manufactures or otherwise acquires, holds, imports, transfers, exports or otherwise supplies or uses explosives, a nuclear, biological, chemical or any other weapon with mass destructive effects, and/or carries out, without permission, research and development of nuclear, biological, chemical or any other weapon or means of combat or explosives prohibited by law or by an international treaty, or

g) exposes people to the risk of death or serious bodily harm or exposes another person's property to the risk of extensive damage by causing a fire or flood or the harmful effects of explosives, gas, electric power or other similarly dangerous substances or forces, or commits other similarly dangerous acts, or increases or aggravates such public endangerment or impedes the steps taken to avert or alleviate it,

shall be punished by imprisonment for a term of five to fifteen years in addition, according to the court discretion, also by the forfeiture of property.

(2) The same sanctions shall be imposed on a person who

a) threatens to commit the acts described in paragraph 1 above, or

b) provides financial support, supplies material resources or provides other support for such acts.

(3) The offender shall be punished by imprisonment for a term of ten to fifteen years accompanied by forfeiture of property as the court deems fit, or by an exceptional sentence,

a) if he or she commits the act described in paragraph 1 above as a member of an organized group,

b) if by the act he causes serious bodily harm or death,

c) if by the act he or she renders a large number of people homeless,

d) if by the act he or she causes major difficulties in the production or supply of basic goods,

e) if by the act he or she causes extensive disruption of transport,

f) if by the act he or she causes extensive damage,

g) if by the act he or she or another person gains substantial profit,

h) if by the act he or she seriously endangers the international position of the Czech Republic or the position of an international organization of which the Czech Republic is a member, or

i) if he or she commits the act during the state of national emergency or the state of war.

(4) The protection under paragraphs 1-3 above is accorded also to foreign States.

Annex 2:

Relevant sections of the Criminal Code

Section 152	Infringement of copyright and related rights and database rights
Sections 155 and 156	Attack on a public official
Section 163a	Participation in a criminal conspiracy
Section 174	False accusation
Sections 196 and 197a	Violence against a group of persons and against an individual
Section 198	Defaming a nation, ethnic group, race and opinion
Section 198a	Inciting hatred for a group of persons or the restriction of their rights and freedoms
Section 199	Hoaxing
Section 202	Rioting
Section 219	Murder
Sections 221 and 222	Bodily harm
Section 234	Robbery
Section 235	Extortion
Section 236	Restricting the freedom of religion
Section 238	Arbitrary interference with home
Sections 260, 261 and 261a	Supporting and promoting movements seeking to suppress human rights and freedoms